

*Law Office of Lawrence P. Oh, Esq.
62 Cooper Square, Second Floor
New York, NY 10003
Phone (646) 682-7000
Mobile (347) 404-8473
lpehauchat@gmail.com*

December 30, 2020

By ECF

Honorable William H. Pauley III
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application denied.

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

Re: *United States v. Julian Estaphan*, 19 Cr. 938 (WHP)

December 30, 2020

Dear Judge Pauley:

I represent Mr. Julian Estaphan in the above-referenced matter. Mr. Estaphan's matter is scheduled for January 26, 2021 for a change of plea. Mr. Estaphan is incarcerated at Metropolitan Detention Center ("MDC") Brooklyn.

I am making an emergency bail application on Mr. Estaphan's behalf so that he may attend funeral services for his father-in-law. I respectfully request that the Court temporarily release Mr. Estaphan into the custody of Retoria Estaphan, his wife, to attend funeral services for Ronnie Booker on January 6, 2021 at Bushwick United Methodist Church in Brooklyn, New York. Mr. Estaphan requests release on bail beginning January 4 or 5, 2021 or earlier, and ending one week after date of release. The Government opposes Mr. Estaphan's request.

Proposed Conditions of Release

I respectfully request that Mr. Estaphan be released into the custody of his wife Retoria Estaphan and the supervision of Pastor Julius Sloane of the New Day Christian Fellowship Church in Jamaica, New York. With the exception of four hours on January 6, 2021 to attend the funeral service and for travel time, Mr. Estaphan will be subject to home incarceration and electronic monitoring at his wife's apartment in Brooklyn, New York where he resided with her and their two children before his arrest. Mrs. Estaphan now works full time from home and will ensure Mr. Estaphan's compliance with all conditions of release. As an additional measure, Pastor Sloane will conduct daily phone conferences with Mr. Estaphan establishing his location at home, inquiring as to his activities and mental state, and ensuring that he complies with all conditions of

release. Both Mrs. Estaphan and Pastor Sloane will notify me each day following his daily calls with Mr. Estaphan. Pastor Sloane has been pastor of the New Day Christian Fellowship Church for twenty years, and is also co-pastor of the Full Gospel Tabernacle Church in Brooklyn. Both Mr. Estaphan's wife and mother, Sonia James, are prepared to act as sureties and sign a bond in the amount of \$400,000. Ms. James owns property in Queens.

Detention Hearing

On December 19, 2019, at the first presentment, Magistrate Judge Kevin Nathaniel Fox presided, and Ms. Julia Gatto of Federal Defenders of New York represented Mr. Estaphan. Mr. Estaphan was charged with Conspiracy to Commit Hobbs Act Robbery (18 U.S.C. § 1951), Attempted Hobbs Act Robbery (18 U.S.C. § 1951), and Use of a Firearm (18 U.S.C. § 924[c][1][A]). Attempted Hobbs Act Robbery is the predicate crime of violence for the Use of a Firearm charge. The Court detained Mr. Estaphan on the basis of danger.

By amended letter motion dated May 4, 2020, I previously made an emergency bail application in light of the COVID-19 pandemic. On May 7, 2020, following a teleconference, the Court denied Mr. Estaphan's application.

Basis for Temporary Release

Mr. Booker passed away in the evening on December 25, 2020. His family is devastated by his unexpected death. Mr. Estaphan has been with his wife for twenty-three years and married for seventeen years. Over the decades, Mr. Estaphan has developed a close relationship with his father-in-law, Mr. Booker. Mr. Estaphan's own father was not present for much of Mr. Estaphan's life. Mr. Booker filled the void left by the absence of Mr. Estaphan's father. Mr. Estaphan's wife's family became his own in daily life as well as in law. Mr. Estaphan grieves the loss of the man who became a father to him.

Three of Mr. Booker's brothers with whom Mr. Estaphan is also close are traveling from South Carolina to attend the service. Due to their ages, Mr. Estaphan may not be able to see them again if not for this service. Mr. Estaphan's ninety-four year-old grandmother-in-law will also attend, whom Mr. Estaphan will not see again.

Mr. Estaphan is extremely conscious of the risk posed by gathering in groups during the COVID-19 pandemic. He is committed to keeping his family and others safe and will quarantine in isolation for the week at home if released. Further, Mr. Estaphan will maintain appropriate social distance with all relatives during the funeral service. Recent precedent can be found for temporary release to attend funeral services in *U.S. v. McKenzie*, 450 F. Supp. 3d 449, 451 (S.D.N.Y. 2020) (defendant released after guilty plea for two weeks to attend funeral services of family members).

Conclusion

Mr. Estaphan is neither a danger nor a flight risk for the extremely brief period of time requested for release. There is nowhere for him to go during this pandemic. Mr. Estaphan has executed a plea agreement with the Government and intends to honor that agreement by returning and surrendering himself promptly for readmission to MDC if the Court approves this emergency release request.

Respectfully,

/s/ Lawrence P. Oh

Lawrence P. Oh, Esq.
62 Cooper Square, Second Floor
New York, New York 10003
Phone (646) 682-7000
Mobile (347) 404-8473
lpchauchat@gmail.com

c: A.U.S.A. Kaylan E. Lasky